

B1  
concl  
14 to said vibration force element, thereby allowing individual adjustment and positioning of said  
15 filament assembly for contacting the tympanic membrane and imparting audible vibrations  
16 without exerting static forces thereto.

Sub  
C1  
41. (Twice Amended) A canal hearing device adapted for directly contacting the  
21 tympanic membrane and imparting audible vibrations thereto, comprising:

3 (a) a floating vibrational filament assembly for contacting the tympanic membrane  
4 at its medial end,

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5 (b) a stationary vibration force element positioned in the ear canal at a distance from  
6 the tympanic membrane and operably associated with said vibrational filament assembly,

7 said vibrational filament assembly being dynamically coupled to said vibration force  
8 element so as to be statically floating relative thereto and responsive to dynamic forces imparted  
9 by said vibration force element on said filament assembly for movement freely within an operable  
10 range in at least one degree of freedom with respect to said vibration force element, thereby  
11 allowing individual adjustment and positioning of said vibrational filament assembly for  
12 contacting the tympanic membrane and imparting audible vibrations without exerting essentially  
13 any static forces thereto.

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C3  
83. (Twice Amended) A hearing device constructed and adapted to fit and be worn  
1 within the ear canal of a human subject for imparting audible vibrations to the tympanic  
2 membrane of the subject, comprising:

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4 a microphone for receiving the incoming signals representative of audio signals and  
5 converting them to electrical signals;

6 an amplifier for processing and amplifying the electrical signal output of the microphone;

7 a vibration force element responsive to said amplified signals for conversion thereof to  
8 dynamic forces representative of said incoming signals; and

9 a vibrational filament assembly dynamically coupled to said vibration force element and  
10 responsive to said dynamic forces imparted by said vibration force element,

B3  
cancel

11 said vibrational filament assembly being essentially free floating within an operable range  
12 in at least one degree of freedom with respect to said vibration force element, thereby allowing  
13 individual adjustment and positioning of said vibrational filament assembly for contacting the  
14 tympanic membrane and imparting audible vibrations without exerting essentially any static  
15 forces thereto.

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C1

1 85. (Amended) A method of imparting audible vibrations on the tympanic membrane  
2 of an individual comprising the steps of:

3 (a) attaching a vibratory filament assembly at its medial end to the tympanic  
4 membrane; and

5 (b) dynamically coupling said vibratory filament assembly to a vibration force element  
6 so that said vibrational filament assembly is essentially free floating within an operable range, in  
7 at least one degree of motion freedom, with respect to said vibration force element to allow  
8 individual adjustment and positioning of said vibrational filament assembly for contacting the  
9 tympanic membrane; and

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10 (c) imparting mechanical vibrations representative of audio signals on the lateral end  
11 of said vibratory filament assembly by means of said vibration force element so as to impart  
12 audible vibrations to the tympanic membrane without exerting essentially any static forces  
13 thereon.

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Cancel claims 82 and 94, without prejudice to refiling thereof in a continuation application.

#### REMARKS

The status of the claims is as follows. Claims 1, 3, 9, 13, 20-22, 24-25, 30, 34-36, 41-83, 85 and 87-89 stand rejected under the judicially created doctrine of obviousness-type double patenting, allegedly as being unpatentable over claims 1-3, 13-17, 23, 28, 38-41, 44, 46, 47, 68 and 77 of U.S. Patent No. (US) 6,137,889 to Shennib et al (Shennib '889). Claims 1, 3-9, 13-16,